

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1076

Press
Mis.

Dated 12th August 1855.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
from 6th to 12th August 1859.*

No. 46. Read the following letter from W. HUDLESTON, Esq., Sub-Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Government, R. D.; dated 25th July 1859, No. 2902.

*From Collector of Malabar by Endorsement,
dated 25th June 1859.
Dated 16th May 1859.*

I am directed by the Board of Revenue to submit the report called for by Government in their Endorsement on Petition No. 1345 of 1859, seeking restoration of certain land in Cochin formerly held by the Petitioners on lease.

2. When in 1795 Cochin passed from the hands of the Dutch to the British, the land beyond the limits of the Fort was found divided into a number of leasehold estates, styled Patom, the proprietary right in which belonged to the Government. With some exceptions, in which the land was held rent free by the representatives of the old Dutch families formerly in official position, and whose descendants still so retain them, these estates were leased to dependants and slaves of the factory, on the tenure prevalent in the adjoining territory of the Cochin Sirkar, viz. a 20 years' lease, on the expiration of which the land, with all the improvements made by the lessee, reverted to the proprietor, in this case the Government, who was free to enter into a new contract with fresh parties.

3. The rapid growth of the Coconut tree, the main cultivation in British Cochin, rendered the term of 20 years sufficient in public estimation to indemnify the tenant, and no tenant-right, or compensation to an out-going tenant was admitted.

4. This system, with all its inherent defects, was continued under our rule, and there was superadded the additional drawback that as the leases fell in, the privilege of occupying the land on the same terms for a further term of years was sold at public auction to the highest bidder.

5. The object of these farmers of course was to wring from the unfortunate resident cultivators on the estate who were generally the original occupants of the soil, the greatest amount of rent they could extort during the term of their lease and but rarely did they execute improvements on their own account or at their own expense. These were almost always the work of the Ryots or subtenants, who for their trouble and expense were allowed to retain during the currency of each lease, one half of the produce, known by the name of Vechapadi, (Planter's share,) the farmer taking all the rest, but this Vechapadi was of course lost on each renewal of the lease, and the Ryots had to commence his efforts "de novo" to add fresh value to the estate for the benefit of future farmers.

6. It was under this wretched system that the particular estate to which the Petition under report refers, was leased in 1836 for 20 years by the then Collector to one Koonjakur Koroothy, who in 1847, when more than half his lease had expired, sold his right to the present Petitioners to whom, on their application, the lease was formally transferred for the remainder of its term. Both the original lease and the document executed by the Petitioners provide for the unconditional surrender of the land at the expiration of its term.

7. The injustice and inherent evils of the system described were so glaring that the late Mr. Conolly determined to apply a remedy as opportunity offered, and it was arranged that as the leases fell in, puttahs for their individual holdings should be granted to the actual settlers in these plantation estates, subject to a revision of the amount of rent at the expiration of each term of 20 years, in accordance with the custom of the country, but including no provision for the surrender of the land.

8. The unreclaimed portions or such extent as they had themselves reclaimed or improved were to be continued on similar puttahs to the ex-lease holders, or granted to new applicants on cowle.

9. The estate of which Petitioners held the lease came under the operation of this new and improved system in 1857, it having been first brought into actual practise in the year 1847, the year in which Petitioners made their purchase, in the case of many leases which fell in, at that time.

Their lease having expired, the lands included in it were settled on Ryotwari tenure in favor of the actual occupants, and the proportion personally retained by the Petitioners was large in comparison with other similar cases. Their complaint is that they who had been less than 10 years in possession as lease holders are not granted the further extent held by the actual ryots who have been in occupancy probably since the first reclamation of the land, and who, at a vast expense of personal labor, and unremitting care have transformed a barren waste into a highly valuable property, which the Petitioners would not unnaturally like to obtain for the asking.

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10. Mr. Robinson himself, during whose administration of the district, the transfer of this particular estate took place, personally inspected the lands and tenements, and this fact may be accepted as a guarantee that the Petitioners obtained all that they were fairly entitled to.

11. It was perfectly open to Government at the expiration of the lease, to have transferred the whole of the estate from the lease holders to any persons, and on any terms they might have thought fit.

12. That Petitioners' claim should not only be allowed the fair consideration that it received, but that it should be preferred to that of the old occupants of the soil, could not for a moment be admitted, and the Board saw no reason to interfere with or disturb the proceedings of the district officer of which Petitioners complain.

13. On review of the case they abide by their former opinion.

No. 47. ORDER THEREON, 12th August 1859, No. 1976.

Ordered that the following endorsement be passed on Petition No. 1345 of 1859.

"Having received a full report of the Petitioners' case from the Board of Revenue the Government see no cause whatever to doubt the justice of the order of which the Petitioners' complain."

(Signed) J. D. BOURDILLON,

Secretary to Government.

Dec. 1859
Pro of Govt. 12th Sept 59

From
The J. & J. Secy to the
Board of Revenue.

To the Secy to Govt.
Revenue Dept.

Dated 25th July 1859.

Sept. 29: 22

Dec. 29

E. 2402 1/2

10. E. 2402

Submitting with
the 13th opinion the report
called for by Govt. on
petition No. 345 of 1859,
relating restoration of
certain land in District
in the District of Malabar
formerly held by the
petitioners on lease.

On 10th 12th August 59.
With an order

Sept 6/6

Ordered that the fol.
having endorsement be placed on
petition & filed of 1859.

"Having received a
full report of the petitioners'
case from the Board of Revenue
the Government are on course
whenever to send the pro.
see of the order granted
the petitioners complaint."

12th Aug 51859

13th Aug 51859

Copy to the Secy of Revenue
2nd Secy. Secy.